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TO: U.S. Patent Office -- Appeal Brief -- Patents	
NAME: Appeal Communication	**DATE & TIME:** 07/06/2004
CONFIRMATION: 4943	**PAGES TO FOLLOW:**
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FROM: Morris, Manning & Martin, LLP	**CHARGE TO:**
NAME: John R. Harris	**CLIENT/MATTER:** 10722-31970
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COMMENTS:

Application No.: 09/604,525   Filing Date: 06/27/2000
Attorney Docket No. 10722-31970

I hereby certify that the attached documents are being sent via facsimile to the USPTO this 6th day of July, 2004:

Transmittal Form (1 page);
Appellant's Brief Under 37 C.F.R. §1.192 (17 pages);
Appendix Listing of Claims (30 pages); and
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John R. Harris, Reg. No. 30,388

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1161154

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Portillo, *et al.*	Examiner:	Richard C. Fu
Serial No.:	09/604,525	Group Art Unit:	3628
Filed:	June 27, 2000	Docket:	10722-31970
Confirmation No.:	4943	Due Date:	July 3, 2004

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Title: **METHOD FOR FACILITATING PAYMENT OF A COMPUTERIZED TRANSACTION**

CERTIFICATE UNDER 37 CFR 1.10

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☒ Transmittal sheet containing Certificate under 37 CFR 1.10 (1 page)
☒ Appellant's Brief Under 37 C.F.R. §1.192 (17 pages)
☒ Appendix Listing of Claims (30 pages)
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CLAIMS AS AMENDED

Claims Remaining After Amendment		Highest Number Previously Paid For		Present Extra		Rate		Fee
Total Claims								
144	-	144	=	0	x	18.00	=	$0.00
Independent Claims								
6	-	6	=	0	x	86.00	=	$0.00
MULTIPLE DEPENDENT CLAIM FEE								$0.00
APPEAL COMMUNICATION TO TC (Appeal Brief)								$330.00
TOTAL FILING FEE								$330.00

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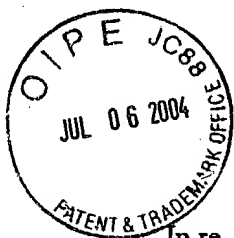
Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:　　　　　　　　　）
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Portillo et al.　　　　　　　　　　）
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Application No. 09/604,525　　　　　　）　　Art Unit:　　　**3628**
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Filed: June 27, 2000　　　　　　　　　）　　Examiner:
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For:　**METHOD FOR FACILITATING PAYMENT**　）
　　　OF A COMPUTERIZED TRANSACTION　）　　Confirmation No.: 4943

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APPELLANT'S BRIEF UNDER 37 C.F.R. §1.192

I.　　　　REAL PARTY IN INTEREST

The subject application is owned by First Data Corporation of Greenwood Village, Colorado.

II.　　　RELATED APPEALS AND INTERFERENCES

There are no other known appeals or interferences related to this appeal.

III.　　　STATUS OF CLAIMS

Claims 16-159 are pending in the present application (see Appendix). In a final rejection mailed February 4, 2004, the Examiner rejected claims 16-159 under 35 U.S.C. §103(a)

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as being allegedly obvious over U.S. Patent No. 6,356,878 to *Walker et al.* ("*Walker*") in view of U.S. Patent No. 5,897,621 to *Boesch et al.* ("*Boesch*") and an article by David M. Togut, "CVG, FDC, & EDS HIGHLIGHT INTERNET STRATEGIES," Morgan Stanley Dean Witter, March 2000 ("*Togut*"). Ostensibly, the claims were also rejected as obvious based on "Official Notice" as set forth on page 3 of the final rejection, together with *Boesch*.

IV.   STATUS OF AMENDMENTS

No amendments are presented herein.

V.   SUMMARY OF INVENTION

The following is a concise explanation of the various inventions set forth in claims 16-159. The independent claims at issue are claims 16, 42, 68, 92, 116, and 138.

The present invention, as recited in claims 16-159, generally relates to a method and system for facilitating payment of a computerized transaction. The method and system enable a buyer to select an electronic payment method for a purchase and obtain confirmation information for the transaction, including a unique transaction number, from a computer of an independent third party money transaction system. The method and system further enable the buyer to make the actual payment at a payment location of the money transaction system using the unique confirmation number previously generated. Upon receipt of the funds, the money transfer system notifies the seller that the payment was received and completes the transaction by making payment to the seller. (Application, page 8).

According to certain aspects of the invention set forth in claims 16-67, a method and system for effecting payment in a network transaction is provided. The method includes a buyer, a seller, and an independent money transfer system. The money transfer system includes a plurality of physical payment locations. To effect payment in a transaction between the buyer and the seller, the money transfer system generates a unique transaction number associated with the particular transaction. The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

In particular, claim 16 and its associated dependent claims are directed, among other things, to aspects of a <u>method</u> for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with method steps <u>particularly applicable to the money transfer system</u>.

Likewise, claim 42 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations <u>particularly applicable to the money transfer system</u>.

Building upon claims 16-67, according to certain other aspects of the invention introduced by claims 68-115, a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction is provided. Similar to that stated above, the independent money transfer system includes a plurality of <u>physical payment locations</u>. To effect payment in a transaction between the buyer and the seller, the money transfer system generates a <u>unique transaction number</u> associated with the particular transaction. <u>Additionally, the money transfer system generates a required payment amount in the buyer's local currency.</u> The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

In particular, claim 68 and its associated dependent claims are directed, among other things, to aspects of a <u>method</u> for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, including steps relating to determination of the payment amount in the <u>buyer local currency</u>, with method steps particularly applicable to the money transfer system.

Claim 92 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, including operations relating to determination of the payment amount in the <u>buyer local currency</u>, with operations of the system particularly applicable to the money transfer system.

According to certain other aspects of the present invention introduced by claims 116-159, a method for effecting a cash payment from a buyer to a seller in connection with an

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electronic transaction is provided. As above, the independent money transfer system includes a plurality of <u>physical payment locations</u>. To effect payment in a transaction between the buyer and the seller, the money transfer system generates a <u>unique transaction number</u> associated with the particular transaction. Additionally, the money transfer system generates a required payment amount in the buyer's local currency. <u>The unique transaction number and payment information is stored in a staging area of the money transfer system's computer.</u> The buyer then physically goes to a payment location and provides the unique transaction number associated with the transaction. <u>The computer system of the money transfer system retrieves the information from the staging area for use at the payment location.</u> The buyer then makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

Specifically, claim 116 and its associated dependent claims are directed, among other things, to aspects of a <u>method</u> for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, with method steps recited for various payment system components in addition to the money transfer system, and including steps relating to determination of the payment amount in the <u>buyer local currency</u> and <u>storing the transaction information in a staging area for later retrieval</u>.

Claim 138 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, reciting various payment system components in addition to the money transfer system, and including operations relating to determination of the payment amount in the <u>buyer local currency</u> and <u>storing the transaction information in a staging area for later retrieval</u>.

VI.   ISSUES

The issue of this appeal is whether 16-159 are obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,356,878 to *Walker et al.* ("*Walker*") in view of U.S. Patent No. 5,897,621 to *Boesch et al.* ("*Boesch*") and Togut, "CVG, FDC, & EDS HIGHLIGHT INTERNET STRATEGIES," March 2000 ("*Togut*"), and/or whether such claims are obvious over "Official Notice" and *Boesch*.

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VII.   GROUPING OF CLAIMS

For purposes of this appeal, and not in derogation of 35 U.S.C. §282, the following are the claim groupings for which the appellant presents separate arguments for patentability.

Applicant groups Claims 16-41 for consideration of patentability.

Applicant groups Claims 42-67 for consideration of patentability.

Applicant groups Claims 68-91 for consideration of patentability.

Applicant groups Claims 92-115 for consideration of patentability.

Applicant groups Claims 116-137 for consideration of patentability.

Applicant groups Claims 138-159 for consideration of patentability.

Claims 16, 42, 68, 92, 116, and 138 are independent claims, which do not stand or fall together. Each of these independent claims includes limitations that are not disclosed, taught, or suggested by *Walker, Boesch,* or *Togut,* alone or in combination, or by "Official Notice" together with *Boesch.*

VIII.   ARGUMENT

A.   The Examiner Has Failed to Make a Prima Facie Case of Obviousness to Support a Rejection under 35 U.S.C. §103(a) over *Walker* in view of *Boesch* and *Togut.*

In the Office Action dated February 4, 2004, the Examiner rejected claims 1-11 and 13-20 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,356,878 to *Walker et al.* ("*Walker*") in view of U.S. Patent No. 5,897,621 to *Boesch et al.* ("*Boesch*") and Togut, "CVG, FDC, & EDS HIGHLIGHT INTERNET STRATEGIES," March 2000 ("*Togut*"). This rejection is respectfully traversed, and it is submitted that the examiner is in error.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference or combination of references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

expectation of success must both be found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP §2142.

It is respectfully submitted that the Examiner has failed to make a *prima facie* case to support a rejection of any claims under 35 U.S.C. §103(a) over *Walker* in view of *Boesch* and *Togut*. First, there is no suggestion or motivation to modify the references or combine the reference teachings. Second, there is no reasonable expectation of success of combining the reference teachings. Finally, the combination of references does not teach or suggest all elements of Applicant's claims.

1.   There is No Suggestion or Motivation to Modify the References or Combine the Reference Teachings.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992).

In the Final Office Action, the Examiner did not identify any suggestion or motivation to modify the references or combine the teachings of *Walker*, *Boesch*, and *Togut*. As such, the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, the rejection is improper and should be withdrawn.

Nonetheless, Applicant has diligently searched the cited references and has found no motivation to combine the reference teachings.

Walker is directed to a conditional purchase offer (CPO) buyer agency system for processing variable conditional purchase offers (CPOs) containing at least one variable condition. If a posted CPO is not accepted for a predefined period of time, or has been expressly rejected by all potential sellers, the terms of the posted CPO may be modified by the CPO buyer agency system, within the tolerances of the variable CPO, to facilitate acceptance. A variable CPO is a binding offer containing at least one variable condition submitted by a buyer for the purchase of an item, within a buyer-specified price range. A variable condition contains either a range of values or both an initial value and at least one alternate value therefor. A different buyer-defined price may be specified for each possible combination of conditions. (*Walker*, col. 3, lines 22-36).

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In essence, *Walker* is directed to a system that enables a buyer to submit multiple purchase offers at one time. The multiple CPOs may be provided to sellers sequentially or simultaneously. When purchase offers are provided to sellers sequentially, the buyer may control the timing and priority in which the purchase offers are provided to the sellers. When multiple purchase offers are provided to sellers simultaneously, remaining related CPOs should be cancelled, once one of the simultaneously posted CPOs is accepted. (*Walker*, col. 3, lines 49-64).

Walker does not provide any relevant teachings regarding payment systems for online commerce, other than the known use of a credit card. *Walker* merely teaches that a credit card processor 120 (*Walker*, FIG. 1, FIG. 2; col. 9, lines 1-16) can be used to effect payment in connection with a conditional purchase offer type electronic transaction. It makes no mention or suggestion of a remote payment location type cash payment/money transfer system and the issues that must be addressed in adapting such a payment system for use in online commerce as provided by the present invention.

There is no motivation to combine the teachings of *Walker* with the teachings of *Boesch*. *Boesch* is directed to a system for determining approval of a transaction between a merchant and a customer. The system comprises a merchant device associated with the merchant. The merchant device has a first set of data including a product price in a first currency. The system also has a customer device associated with the customer. The customer device has a second set of data including a first amount in a second currency. The system further has a server device connected to both the customer device and the merchant device for receiving the first and second sets of data and for approving the transaction when the first amount in the second currency is within a risk range of the price in the first currency in accordance with current exchange rates. (*Boesch*, col. 2, lines 56-67 to col. 3, lines 1-2).

Boesch is a system for enabling a merchant and a buyer to conduct an electronic transaction where the buyer and seller are using different currency. *Boesch* does not teach or suggest a system for enabling a buyer to submit multiple purchase offers at one time, as disclosed by *Walker*, so to begin with it is a stretch to combine *Walker* and *Boesch*. *Boesch* does not contain any teachings about use of a money transfer system connected for electronic communications with one or more payment locations having payment location local computers, nor does *Boesch* provide any teachings about any systems of methods for effecting cash payment

from a buyer to a seller. All that *Boesch* teaches, and all that it has been cited and applied for, is the notion that an in-between server can do currency conversions in an electronic transaction. Because this reference is lacking in so many aspects of the claimed inventions, there is simply no motivation to combine the teachings of *Boesch* with the teachings of *Walker*. Furthermore, *Boesch* does not teach or suggest the novel aspects of the claimed inventions as set forth by Applicant. Thus, there is no simply motivation to combine the teaching of *Boesch* with the teachings of *Walker* to arrive at Applicant's claimed invention – unless the examiner engages in impermissible hindsight reconstruction.

There is likewise no motivation to combine the teachings of *Walker* and *Boesch* with the teachings of *Togut*. *Togut* is an industry report providing various information about the Applicant, First Data Corporation. *Togut* has a publication date of March 21, 2000, which is not more than one year prior to the filing date of this application (filed June 27, 2000), and therefore is not a proper reference under 35 U.S.C. §102(b). The Examiner did not provide any basis whatsoever for the statutory availability of this reference, so it is not clear (or appropriate) that this document may be applied in rejecting the claims. If the Examiner is purporting to apply this reference under 35 U.S.C. §102(a), it is not clear what the Examiner is asserting was "known by others" to make use of the reference proper.

As to the substance of *Togut*, it is not clear at all why the Examiner is using *Togut* to support a rejection under 35 U.S.C. §103(a). *Togut* does not even marginally disclose any aspect of the present invention as set forth in claims 16-159. *Togut* merely reports financial information about First Data Corporation and states that Western Union will roll out an Internet money transfer product in June 2000. Not only does *Togut* provide no motivation to combine its teachings with anything, in particular, *Walker* or *Boesch*, but *Togut* also provides no motivation to combine its teachings with *Walker* or *Boesch* to arrive at Applicant's claimed inventions.

Given that there is no motivation to modify the teachings of *Walker* with the teachings of *Boesech* and *Togut*, the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to the combination of *Walker*, *Boesch*, and *Togut*. Therefore, the rejection under 35 U.S.C. §103(a) is improper and should be withdrawn.

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2. There is No Reasonable Expectation of Success of Combining the References.

Applicant submits that the Examiner has failed to identify a reasonable expectation of success in combining the teachings of *Walker, Boesch,* and *Togut.* As such, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, the rejection is improper and should be withdrawn.

Applicant submits that there is no reasonable expectation of success in combining the teachings of *Walker, Boesch,* and *Togut* to support a rejection under 35 U.S.C. §103(a). The prior art can be modified or combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.,* 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Obviousness does not require absolute predictability; however, at least some degree of predictability is required. Evidence showing there was no reasonable expectation of success may support a conclusion of nonobviousness. *In re Rinehart,* 531 F.2d 1048, 189 U.S.P.Q. 143 (CCPA 1976).

As discussed previously, there is no motivation to combine *Walker, Boesch,* and *Togut* because there is nothing provided in the cited references that would encourage one of ordinary skill in the art to modify the cited references to arrive at the claimed invention. The references are directed to entirely different concepts and do not point to each other in any manner. As stated above, *Walker* is directed to a system that enables a buyer to submit multiple conditional purchase offers (CPOs) at one time. *Walker* does not provide any relevant teachings regarding payment systems for online commerce, other than the known use of a credit card, which is not required or used by the present invention except in a dependent context. *Boesch* is a system for enabling a merchant and a buyer to conduct an electronic transaction where the buyer and seller are using different currency. *Boesch* is not directed to the novel aspects of the claimed inventions as set forth by Applicant. *Togut* is an industry report providing various information about the Applicant, First Data Corporation. *Togut* does not even marginally disclose any aspect of the present invention as set forth in the present application. Since there is no motivation to combine the reference teachings, there is likewise no expectation that combining the references would result in a successful combination. Furthermore, there is no expectation that combining the references would result in Applicant's claimed inventions, as discussed in greater detail below.

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3.   The Combination of References Does Not Teach or Suggest All Elements of Applicant's Claimed Invention.

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All the words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Furthermore, if an independent claim in nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicant asserts that the combination of *Walker*, *Boesch*, and *Togut* fails to teach or suggest all elements of Applicant's claimed invention, and therefore, is insufficient to support a rejection under 35 U.S.C. §103(a).

As stated above, Applicant's inventions are generally directed to methods and systems for facilitating payment of a computerized transaction, utilizing a money transfer system. The methods and systems enable a buyer to select an electronic payment method for a purchase and obtain confirmation information for the transaction, including a unique transaction number, from a computer of an independent third party money transaction system. The method and system further enable the buyer to make the actual payment at a payment location of the money transaction system using the unique confirmation number previously generated. Upon receipt of the funds, the money transfer system notifies the seller that the payment was received and completes the transaction by making payment to the seller. (Application, page 8).

In general, with respect to claims 16-67, neither *Walker*, *Boesch*, nor *Togut*, alone or in combination, teach or suggest a method or system including a buyer, a seller, and an independent money transfer system. The money transfer system includes a plurality of physical payment locations. To effect payment in a transaction between the buyer and the seller, the money transfer system generates a unique transaction number associated with the particular transaction. The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

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Further, with respect to claims 68-115, neither *Walker*, *Boesch*, nor *Togut*, alone or in combination, teach or suggest a method or system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction in which the money transfer system generates a unique transaction number and a required payment amount in the buyer's local currency. The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

Further yet, with respect to claims 116-159, neither *Walker*, *Boesch*, nor *Togut*, alone or in combination, teach or suggest a method or system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction in which the money transfer system generates a unique transaction number, and a required payment amount in the buyer's local currency, and further stores the information in a staging area of the money transfer system's computer. The buyer then physically goes to a payment location and provides the unique transaction number associated with the transaction. The computer system of the money transfer system retrieves the information from the staging area for use at the payment location. The buyer then makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

Given that the combination *Walker*, *Boesch*, and *Togut* clearly does not teach or suggest all elements of any of Applicant's claimed inventions, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness with respect to any of claims 16-159. Thus, the combination of *Walker*, *Boesch*, and *Togut* is insufficient to support a rejection under 35 U.S.C. §103(a).

4.   Conclusion

It is respectfully submitted that the Examiner has failed to make a *prima facie* case of obviousness. First, there is no motivation to combine the references. Second, there is no reasonable expectation of success in combining the references. Finally, the combination of *Walker*, *Boesch*, and *Togut* fails to teach and enable every element of Applicant's claimed

inventions as set forth in claims 16-159. Therefore, the rejection under §103(a) with respect to the combination of *Walker, Boesch*, and *Togut* is improper and should be withdrawn.

C.   **Even if the Examiner Has Made a *Prima Facie* Case of Obviousness Under 35 U.S.C. §103(a), Applicant's Claimed Invention is Not Obvious Over the Combination of *Walker, Boesch*, and *Togut*, or the "Official Notice".**

In *Graham v. John Deere*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966), the Supreme Court set forth four factual inquiries to be made when making an obviousness determination. First, the scope and content of the prior art is determined. Next, the differences between the prior art and the claims at issue is ascertained. Then, the level of ordinary skill in the art is resolved. Secondary considerations of nonobviousness may be evaluated. Finally, a determination of obviousness is made. MPEP §2101.

It is respectfully submitted that Applicant's claimed inventions as recited in claims 16-159 are not obvious over *Walker* in view of *Boesch* and *Togut*.

1.   Scope and Content of the Prior Art

As stated above, *Walker* is directed to a system that enables a buyer to submit multiple conditional purchase offers (CPOs) at one time. *Walker* does not provide any relevant teachings regarding payment systems for online commerce, other than the known use of a credit card. Applicant's invention does not include or require use of a credit card except in a dependent context. Indeed, Applicant's invention is provided to enable use of a <u>cash</u> payment in connection with an electronic transaction, with such cash payment made at a payment location associated with the money transfer system.

Boesch is a system for enabling a merchant and a buyer to conduct an electronic transaction where the buyer and seller are using different currency. *Boesch* is not directed to the novel aspects of the claimed inventions as set forth by Applicant.

Togut is an industry report providing various information about the Applicant, First Data Corporation. *Togut* does not even marginally disclose any aspect of the present invention as set forth in the present application.

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2.   Differences Between the Prior Art and the Claimed Invention

Applicant's inventions, as recited in the different claims, are directed to methods and systems for facilitating payment of a computerized transaction. The methods and systems enable a buyer to select an electronic payment method for a purchase and obtain confirmation information for the transaction, including a <u>unique transaction number,</u> from a computer of an independent third party money transaction system. The method and system further <u>enable the buyer to make the actual payment at a payment location of the money transaction system using the unique confirmation number</u> previously generated. Upon receipt of the funds, the money transfer system notifies the seller that the payment was received and completes the transaction by making payment to the seller. (Application, page 8).

In general, neither *Walker*, *Boesch*, or *Togut*, alone or in combination, teach or suggest a method or system in which a third party money transaction system is used to facilitate a transaction between a buyer and seller, where <u>the buyer can select an electronic payment method for a purchase and obtain confirmation information for the transaction, including a unique transaction number, from a computer of the third party money transaction system</u>. Further, none of the references teach a method or system in which the buyer then makes the actual payment at a payment location of the money transaction system using the unique confirmation number previously generated, as set forth in claims 16-159.

In general, with respect to claims 16 and 42, neither *Walker*, *Boesch*, nor *Togut*, alone or in combination, teach or suggest a method or system including a buyer, a seller, and an <u>independent money transfer system</u>. The money transfer system includes a plurality of <u>physical payment locations</u>. To effect payment in a transaction between the buyer and the seller, the money transfer system generates a <u>unique transaction number</u> associated with the particular transaction. The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

Further, with respect to claims 68 and 92, neither *Walker*, *Boesch*, nor *Togut*, alone or in combination, teach or suggest a method or system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction in which the <u>money transfer system generates a unique transaction number and a required payment amount in the buyer's</u>

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local currency.   The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

Further yet, with respect to claims 116 and 138, neither *Walker*, *Boesch*, nor *Togut*, alone or in combination, teach or suggest a method or system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction in which the money transfer system generates a unique transaction number and a required payment amount in the buyer's local currency, and then stores the information in a staging area of the money transfer system's computer.   The buyer then physically goes to a payment location and provides the unique transaction number associated with the transaction. The computer system of the money transfer system retrieves the information from the staging area for use at the payment location. The buyer then makes the required payment to the money transfer system operator at the payment location. The money transfer system operator then notifies the seller that the required payment has been made by the buyer.

3.   Level of Ordinary Skill in the Art

Applicant respectfully submits that the level of ordinary skill in the art is one who is skilled in the field of computer systems for online commerce.

4.   Obviousness Analysis

Applicant respectfully submits that the claimed inventions as summarized above would not be obvious to one skilled in the computer programming art in view of *Walker*, *Boesch*, and *Togut*. As stated above, none of the references teach or suggest a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing the money transfer system, in which an electronic payment request is received from a seller computer in response to a proposed transaction between the buyer and seller, a unique transaction number is assigned to the payment request, and, in response to receipt of information from a payment location that payment has been received at a payment location of the money transfer system, communicating to the seller computer system that payment has been actually made at a payment location, and effecting completion of the transaction by making payment to

the seller. Further, none of the references teach or suggest a money transfer system in which the money transfer system generates a unique transaction number and a <u>required payment amount in the buyer's local currency</u>. Further yet, none of the references teach or suggest a money transfer system that generates a unique transaction number and a required payment amount in the buyer's local currency and <u>stores the information in a staging area of the money transfer system's computer</u>, which is later retrieved from the staging area at a payment location of the money transfer system when the buyer provides the unique transaction number.

Since these (and other) aspects of the Applicant's inventions are not taught or suggested by any of the references, it is not likely that one of skill in the art, namely, a computer system designer in the field of computer systems for online commerce, would find it obvious based on these applied references to create a system according to Applicant's claimed inventions. The omitted elements are not mere variations of the prior art, nor are they so well known that no reference is needed to supply the missing element. Thus, Applicant's claimed inventions would not be obvious to one of ordinary skill in the art over *Walker*, *Boesch*, and *Togut*.

5. The "Official Notice" Is an Improper Hindsight Reconstruction

On page 3 of the Final Rejection, the examiner took official notice that international trade over computer networks has been in existence for many decades, and that agencies have existed to handle the necessary currency conversions. The examiner draws a conclusion that it would have been obvious to use an agent like Western Union to make payment for an Internet purchase through the agent's computer system in their own currency. This is an egregious example of impermissible hindsight reconstruction and improper application of official notice.

The examiner provided no documentation to support the official notice, aside from a passing reference to Applicant's own disclosure (drawings). "Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While 'official notice' may be relied upon, these circumstances should be rare when an application is under final rejection ... Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and unquestionable demonstration as being well-known." MPEP §2144.03.

It is submitted that the examiner's position represents a clear case of impermissible hindsight reconstruction of the claimed invention based upon appellant's own teachings. In that regard, as the Federal Circuit indicated in *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992), it is impermissible to use the claimed invention as an instruction manual or "template" in attempting to piece together isolated disclosures and teachings of the prior art so that the claimed invention is rendered obvious. To the point in the present appeal, the Applicant submits that the mere fact that some prior art reference (i.e., *Boesch*) may be modified in the manner suggested by the examiner does not make such a modification obvious unless the applied prior art suggested the desirability of the modification. See *In re Gordon*, 773 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). The prior art relied upon by the examiner – the "Official Notice" alone or combined with *Boesch*, contains no such suggestion.

For that matter, the same rationale applies to the combination of *Walker*, *Boesch*, and *Togut*. Where in *Boesch*, or *Walker*, or *Togut*, or in the official notice, is there any teaching or suggestion of steps and/or elements involved in adapting a money transfer system that is connected to remote payment locations to accept cash payments, for use in closing an Internet type transaction, with a unique transaction number, currency conversion, staging area, etc., and the other recited aspects of the Applicant's claims? Such teachings or suggestions are simply not there.

It is not clear if the examiner's use of official notice is part of the previously discussed §103(a) rejection or if it is intended to be a separate rejection. No particular claims are rejected, nor is a statutory basis provided. If the examiner is using official notice as the basis for a separate rejection, the rejection is improper and should be withdrawn. "It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as principal evidence upon which a rejection is based." MPEP §2144.03 citing *In re Zurko*, 258 F.3d 1379, 1385 (Fed. Cir. 2001).

Therefore, it is respectfully submitted that the "Official Notice" is an improper incomplete, and inadequate basis for rejection.

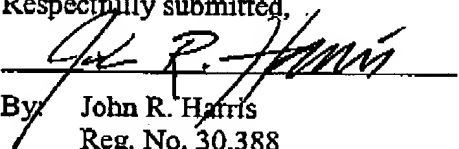16 #1166952 v2 - 10722-31970 Appeal Brief

6. Conclusion

Applicant respectfully submits that the examiner has failed to make a *prima facie* case of obviousness over *Walker* in view of *Boesch* and *Togut* to support a rejection under 35 U.S.C. §103. Furthermore, using the *John Deere* factual inquiries, Applicant submits that the differences between the prior art (including the Official Notice) and the claimed inventions would not be obvious to one of ordinary skill in the art. Accordingly, Applicant respectfully requests withdrawal of this rejection.

D. Summary of Argument

The issue on appeal is whether claims 16-159 are obvious under 35 U.S.C. §103(a) over *Walker, Boesch,* and *Togut,* or in view of the Official Notice and *Boesch.* There is no disclosure, teaching, or suggestion in *Walker* that would render the claims obvious, and the teachings of *Boesch* and *Togut* are not sufficient to cure the deficiencies of *Walker.* Applicant submits that the present invention as claimed is not obvious over the combination of *Walker, Boesch,* and *Togut* as viewed by a person of ordinary skill in the art. Because the combination of *Walker, Boesch,* and *Togut,* or the Official Notice, does not disclose each element specified in the claims of the present application or suggest the invention defined by the claims, the record of this case indicates by a preponderance of the evidence that the claims of the present application should be patentable over the cited art.

For at least the reasons stated above, Applicant respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner's rejections of the claims of the present invention and allow claims 16-159.

Respectfully submitted,

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APPENDIX
LISTING OF CLAIMS

1–15. (CANCELED)

16.   (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, and a money transfer system connected for electronic communications with the seller computer, the money transfer system connected for electronic communications with one or more payment locations having payment location local computers, a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing the money transfer system, comprising the computer-implemented steps of:

receiving an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount;

assigning a unique transaction number to the payment request;

determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

determining a grand total amount based upon the preliminary total amount and any other applicable charges;

communicating information to the seller computer system for displaying at least the grand total amount and the unique transaction number to the buyer computer system;

in response to receipt of information from a payment location that payment in the amount of the grand total amount has been received at the payment location, communicating a message to the seller computer system that payment has been actually made at a payment location; and

effecting completion of the transaction by making payment to the seller.

17.   (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment location is a payment location associated with the money transfer system.

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18. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment location is a stand-alone computing system with money transfer capabilities.

19. (PREVIOUSLY PRESENTED) The method of claim 16, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

20. (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of determining a buyer local exchange rate for the preliminary total amount based upon buyer information provided from the buyer computer system to the seller computer system, and thence to the money transfer system.

21. (PREVIOUSLY PRESENTED) The method of claim 20, wherein the buyer information comprises buyer address information including a country.

22. (PREVIOUSLY PRESENTED) The method of claim 20, wherein the step of determining the grand total amount comprises determining the grand total amount expressed in the local currency of the buyer based on the determined buyer local exchange rate.

23. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

24. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

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25. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

26. (PREVIOUSLY PRESENTED)   The method of claim 16, further comprising the step of generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system.

27. (PREVIOUSLY PRESENTED)   The method of claim 26, further comprising the step of storing the data record in a payment confirmation queue in response to receipt of the information from the payment location that payment has been actually made at the payment location.

28. (PREVIOUSLY PRESENTED) The method of claim 16, wherein payment to the seller is made by the steps of:

determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

29. (PREVIOUSLY PRESENTED)   The method of claim 16, further comprising the step of determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

30. (PREVIOUSLY PRESENTED)   The method of claim 16, further comprising the step of, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been received at the payment location, communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

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31. (PREVIOUSLY PRESENTED) The method of claim 30, further comprising the step of providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

32. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

33. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

34. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

35. (PREVIOUSLY PRESENTED) The method of claim 16, wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system.

36. (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

37. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment request includes an order number provided by the seller computer.

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38. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

39. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the seller is a seller on an online auction system.

40. (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the steps of maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

41. (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and communicating the grand total amount to the payment location.

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42. (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, and a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, a system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, comprising:

a communication link for connecting a money transfer system to the seller computer;

a money transfer system connected for electronic communications with one or more payment locations having payment location local computers,

the money transfer system operative for receiving an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount;

the money transfer system operative for assigning a unique transaction number to the payment request;

the money transfer system operative for determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

the money transfer system operative for determining a grand total amount based upon the preliminary total amount and any other applicable charges;

the money transfer system operative for communicating information to the seller computer system for displaying the grand total amount and the unique transaction number to the buyer computer system;

the money transfer system operative, in response to receipt of information from a payment location that payment in the amount of the grand total amount has been received at the payment location, for communicating a message to the seller computer system that payment has been actually made at a payment location; and

the money transfer system operative for effecting completion of the transaction by making payment to the seller.

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43.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment location is a payment location associated with the money transfer system.

44.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment location is a stand-alone computing system with money transfer capabilities.

45.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

46.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for determining a buyer local exchange rate for the preliminary total amount based upon buyer information provided from the buyer computer system to the seller computer system, and thence to the money transfer system.

47.   (PREVIOUSLY PRESENTED) The system of claim 46, wherein the buyer information comprises buyer address information including a country.

48.   (PREVIOUSLY PRESENTED) The system of claim 46, wherein the operation of determining the grand total amount comprises determining the grand total amount expressed in the local currency of the buyer based on the buyer local exchange rate.

49.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the seller computer is operative to communicate information to the buyer computer for display at the buyer computer of a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

50.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment request information includes information selected from the group comprising buyer

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identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

51.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

52.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system.

53.   (PREVIOUSLY PRESENTED) The system of claim 52, wherein the money transfer system is operative for storing the data record in a payment confirmation queue ·in response to receipt of the information from the payment location that payment has been actually made at the payment location.

54.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative to make payment to the seller by:
determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and
determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

55.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

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56. (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative, in further response to information that payment in the amount of the grand total amount has been received at the payment location, for communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

57. (PREVIOUSLY PRESENTED) The system of claim 56, wherein the money transfer system is operative for providing information to the payment location including the MTCN, and wherein the payment location is operative for providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

58. (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

59. (PREVIOUSLY PRESENTED) The system of claim 42, wherein the information provided to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

60. (PREVIOUSLY PRESENTED) The system of claim 59, wherein the information provided to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

61. (PREVIOUSLY PRESENTED) The system of claim 42, further comprising a payment gateway positioned to communicate information between the seller computer and the money transfer system.

62. (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

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63.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment request includes an order number provided by the seller computer.

64.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

65.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the seller is a seller on an online auction system.

66.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

67.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is further operative for accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and for communicating the grand total amount to the payment location.

68. (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, and a money transfer system connected for electronic communications with the seller computer, the money transfer system connected for electronic communications with one or more payment locations having payment location local computers, a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction utilizing the money transfer system, comprising the computer-implemented steps of:

receiving an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount and buyer information;

assigning a unique transaction number to the payment request;

determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

determining a buyer local exchange rate for the preliminary total amount based upon the buyer information;

determining a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

communicating information to the seller computer system for displaying the grand total amount and the unique transaction number to the buyer computer system;

in response to receipt of information from a payment location that payment in the amount of the grand total amount has been received at the payment location, communicating a message to the seller computer system that payment has been actually made at a payment location; and

effecting completion of the transaction by making payment to the seller.

69. (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment location is a payment location associated with the money transfer system.

70.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment location is a stand-alone computing system with money transfer capabilities.

71.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

72.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the buyer information comprises buyer address information including a country.

73.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

74.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

75.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

76.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system.

77.   (PREVIOUSLY PRESENTED) The method of claim 76, further comprising the step of storing the data record in a payment confirmation queue in response to

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receipt of the information from the payment location local computer that payment has been actually made at the payment location.

78.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein payment to the seller is made by the steps of:

determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

79.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

80.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been received at the payment location, communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

81.   (PREVIOUSLY PRESENTED) The method of claim 80, further comprising the step of providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

82.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

83.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the information provided in the step of communicating information to the seller computer system for

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displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

84.   (PREVIOUSLY PRESENTED) The method of claim 83, wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

85.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system.

86.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

87.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment request includes an order number provided by the seller computer.

88.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

89.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the seller is a seller on an online auction system.

90.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the steps of maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

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91.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and communicating the grand total amount to the payment location.

92.   (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, and a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, a system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, comprising:

a money transfer system connected for electronic communications with one or more payment locations having payment location local computers;

a communication link for connecting the money transfer system to the seller computer;

the money transfer system operative for receiving an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount and buyer information;

the money transfer system operative for assigning a unique transaction number to the payment request;

the money transfer system operative for determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

the money transfer system operative for determining a buyer local exchange rate for the preliminary total amount based upon the buyer information;

the money transfer system operative for determining a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

the money transfer system operative for communicating information to the seller computer system for displaying the grand total amount and the unique transaction number to the buyer computer system;

the money transfer system operative, in response to receipt of information from a payment location that payment in the amount of the grand total amount has been received at the payment location, for communicating a message to the seller computer system that payment has been actually made at a payment location; and

<div align="center">33</div>

the money transfer system operative for effecting completion of the transaction by making payment to the seller.

93.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment location is a payment location associated with the money transfer system.

94.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment location is a stand-alone computing system with money transfer capabilities.

95.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

96.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the buyer information comprises buyer address information including a country.

97.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

98.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

99.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

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100. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system.

101. (PREVIOUSLY PRESENTED) The system of claim 100, wherein the money transfer system is further operative for storing the data record in a payment confirmation queue in response to receipt of the information from the payment location local computer that payment has been actually made at the payment location.

102. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is operative for making payment to the seller by:

determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

103. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

104. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been received at the payment location, for communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

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105. (PREVIOUSLY PRESENTED) The system of claim 104, wherein the money transfer system is further operative for providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

106. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

107. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the information provided in the operation of communicating information to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

108. (PREVIOUSLY PRESENTED) The system of claim 107, wherein the information provided in the operation of communicating information to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

109. (PREVIOUSLY PRESENTED) The system of claim 92, further comprising a payment gateway operatively positioned to communicate information between the seller computer and the money transfer system.

110. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

111. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment request includes an order number provided by the seller computer.

112. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

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113. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the seller is a seller on an online auction system.

114. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

115. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and for communicating the grand total amount to the payment location.

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116. (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, and a money transfer system connected for electronic communications with the seller computer, the money transfer system connected for electronic communications with one or more payment locations having payment location local computers, a method for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, comprising the computer-implemented steps of:

in response to a proposed transaction between a buyer and a seller, communicating an electronic payment request from the seller computer to the money transfer system, the payment request comprising information including at least a transaction amount and buyer information;

receiving the payment request from the seller computer at the money transfer system;

at the money transfer system, assigning a unique transaction number to the payment request;

at the money transfer system, determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

at the money transfer system, determining a buyer local exchange rate for the preliminary total amount based upon the buyer information;

at the money transfer system, determining a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

storing a unique payment request record comprising the grand total amount and the unique transaction record in a staging area associated with the money transfer system;

communicating payment instruction information comprising the grand total amount and the unique transaction number from the money transfer system to the seller computer system for display to the buyer computer system;

communicating the payment instruction information from the seller computer system to the buyer computer system;

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displaying the payment instruction information at the buyer computer system;

at a payment location, receiving the unique transaction number from a person and inputting the unique transaction number to a payment location local computer at the payment location;

communicating the unique transaction number from the payment location local computer to the money transfer system;

at the money transfer system, and in response to receipt of the unique transaction number from a payment location local computer, retrieving the payment request record associated with the unique transaction number from the staging area;

communicating information associated with the payment request record to the payment location local computer, for use at the payment location in collecting payment from the buyer;

in response to tender of payment in the grand total amount by the buyer at the payment location, communicating a payment made message to the money transfer system;

in response to receipt of the payment made message from the payment location local computer, communicating a message to the seller computer system that payment has been actually made at a payment location; and

effecting completion of the transaction by making payment to the seller.

117.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment location is a payment location associated with the money transfer system.

118.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment location is a stand-alone computing system with money transfer capabilities.

119.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

120.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the buyer information comprises buyer address information including a country.

121.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

122.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

123.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

124.   (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of storing the data record in a payment confirmation queue associated with the money transfer system in response to receipt of the information from the payment location local computer that payment has been actually made at the payment location.

125.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein payment to the seller is made by the steps of:

determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

126.   (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of determining at the money transfer system whether an amount associated

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with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

127. (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been actually made at the payment location, communicating a money transfer control number (MTCN) from the money transfer system to the payment location for provision to the buyer.

128. (PREVIOUSLY PRESENTED) The method of claim 127, further comprising the step of providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

129. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

130. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the displayed payment instruction information includes instructions to the buyer that payment in the grand total amount as expressed in the buyer's local currency should be tendered to a payment location.

131. (PREVIOUSLY PRESENTED) The method of claim 130, further comprising the step of communicating payment location information from the money transfer system to the seller computer for display at the buyer computer system, the payment location information comprising the addresses of a plurality of payment locations at which actual payment may be tendered.

132. (PREVIOUSLY PRESENTED) The method of claim 116, wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system.

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133. (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

134. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment request includes an order number provided by the seller computer.

135. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

136. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the seller is a seller on an online auction system.

137. (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the steps of maintaining device queue records at the money transfer system comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

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PAGE 45/50 * RCVD AT 7/6/2004 4:05:16 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/12 * DNIS:8729306 * CSID:4042641529 * DURATION (mm-ss):15-18

138.   (PREVIOUSLY PRESENTED) An online commerce system for effecting a cash payment from a buyer to a seller in connection with an electronic transaction, the buyer operating a network-accessible buyer computer operative for electronic communications with other computers, comprising:

a seller computer operated by a seller and operative for electronic communications with other computers, including the buyer computer;

a money transfer system operative for electronic communications with the seller computer and with at least one remote payment location having an payment location local computer;

a communication link between the seller computer and the money transfer system;

one or more communication links between the money transfer system and one or more payment locations having payment location local computers;

the seller computer operative in response to a proposed transaction with a buyer for communicating an electronic payment request to the money transfer system, the payment request comprising information including at least a transaction amount and buyer information;

the money transfer system operative for receiving the payment request from the seller computer and assigning a unique transaction number to the payment request;

the money transfer system further operative for determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

the money transfer system further operative for determining a buyer local exchange rate for the preliminary total amount based upon the buyer information;

the money transfer system further operative for determining a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

the money transfer system further operative for storing a unique payment request record comprising the grand total amount and the unique transaction record in a staging area associated with the money transfer system;

the money transfer system further operative for communicating payment instruction information to the seller computer system comprising the grand total amount and the unique transaction number, for display to the buyer computer system;

the seller computer operative for communicating the payment instruction information to the buyer computer system, for display of said payment instruction information to the buyer;

a payment location local computer at a payment location, in response to input of a supplied unique transaction number, operative for communicating the supplied unique transaction number to the money transfer system;

the money transfer system operative, in response to receipt of the supplied unique transaction number from a payment location local computer, for retrieving the payment request record associated with the supplied unique transaction number from the staging area;

the money transfer system further operative for communicating information associated with the payment request record to the payment location local computer, for use at the payment location in collecting payment from the buyer;

the payment location local computer at the payment location operative, in response to input of data indicating tender of payment in the grand total amount by the buyer at the payment location, for communicating a payment made message to the money transfer system;

the money transfer system operative, in response to receipt of the payment made message from the payment location local computer, for communicating a message to the seller computer system that payment has been actually made at a payment location; and

the money transfer system further operative, in response to receipt of the payment made message from the payment location local computer, for effecting completion of the transaction by making payment to the seller.

139.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment location is a payment location associated with the money transfer system.

140.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment location is a stand-alone computing system with money transfer capabilities.

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141. (PREVIOUSLY PRESENTED) The system of claim 138, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

142. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the buyer information comprises buyer address information including a country.

143. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the seller computer is operative for communicating information to the buyer computer for display at the buyer computer a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

144. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

145. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

146. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative for storing the data record in a payment confirmation queue associated with the money transfer system in response to receipt of the information from the payment location local computer that payment has been actually made at the payment location.

147. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative to make payment to the seller by:

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determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

148.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative for determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

149.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative, in further response to information from the payment location local computer that payment in the amount of the grand total amount has been actually made at the payment location, for communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

150.   (PREVIOUSLY PRESENTED) The system of claim 149, wherein the money transfer system is operative for providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

151.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

152.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the displayed payment instruction information includes instructions to the buyer that payment in the grand total amount as expressed in the buyer's local currency should be tendered to a payment location.

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153. (PREVIOUSLY PRESENTED) The system of claim 152, wherein the money transfer system is operative for communicating payment location information to the seller computer for display at the buyer computer system, the payment location information comprising the addresses of a plurality of payment locations at which actual payment may be tendered.

154. (PREVIOUSLY PRESENTED) The system of claim 138, further comprising a payment gateway operatively positioned to communicate information between the seller computer and the money transfer system.

155. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative for canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

156. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment request includes an order number provided by the seller computer.

157. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

158. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the seller is a seller on an online auction system.

159. (PREVIOUSLY PRESENTED) The system of claim 138, further comprising the steps of maintaining device queue records at the money transfer system comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

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